

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 FILED IN CLERK'S OFFICE  
BY A PERSON IN STATE PRETRIAL DETENTION U.S.D.C. Atlanta

JAN 14 2014

ADAM GARBER #99499879

-VS-

Butch Conway, Sheriff et al.

AT

JAMES N. HATTEN, Clerk  
Dr. [Signature] Deputy Clerk

VIOLATION OF MY CONSTITUTIONAL RIGHTS

Petition

1:15-CV-0123

1. Name of facility where you are confined: Gwinnett County Detention Facility  
Date your confinement began: 12-16-13

2. Name and county of court that made the decision you are challenging: N/A

3. Case number: N/A

4. Decision made by the court: N/A

6. Are you represented by counsel in that case: N/A

7. Did you appeal the decision to a higher court: N/A

8. After first appeal, did you file a second appeal to a higher court: N/A

9. After the second appeal, did you file a third appeal to a higher court: N/A

10. Not Applicable

11. State Concisely every ground that supports your claim that your pretrial detention violates the United States Constitution or other federal law.

A. Ground One: See Ground One Attached Page  
Supporting Facts: See Attached Page

B. Ground Two: See Ground Two Attached Page  
Supporting Facts: See Attached page

## GROUND ONE

Ground One: Denied my First Amendment Right. Free speech means nothing if it does not incorporate the right to be informed, prison officials must allow inmates access to print media such as newspapers, magazines, and books. In *Turner v. Safely*, 482 U.S. 78, 107 S.Ct. 2254, 69 L.Ed. 2d 64 (1987). A regulation may be demonstrated as unreasonable or as an "exaggerated response" to penal concerns if there exists a viable alternative regulation that accommodates the rights of prisoners. *Id.*, 484 U.S. at 90

In *Procunier v. Martinez*, 416 U.S. 396, 94 S.Ct. 1800, 40 L.Ed. 2d 224 (1974) Prisoners are not stripped of constitutional protections at the prison gates. Prisoners retain all the rights of free-world persons, except for those rights taken expressly by law or that necessarily are implicated as a consequence of legitimate penological objectives. A policy of restricting speech merely because it is unflattering, or unwelcome or that is obviously inaccurate is contrary to United States' notion free speech, and any prison policy so prohibiting, the court imparted, must run afoul of the First Amendment of the United States Constitution

Supporting Facts: Denied access to print media, world news, newspapers, magazines, books, televised media, and the President.  
Denial of my First Amendment.

## GROUND TWO

GROUND TWO: In *Bell v. Wolfish*, 441 U.S. 520, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979). Pretrial detainees, "are protected by the Fourteenth Amendment's Due Process Clause, as well as First and Eighth Amendments." *Id.*, 441 U.S. at 535-537. Under the Due Process Clause, moreover, pretrial detainees retain at least those constitutional rights that are enjoyed by convicted prisoners. (*id.*, at 545); and unlike convicted prisoners, pretrial detainees may not be punished for crimes of which they have yet to be, or may not be, found guilty, and therefore are protected against jail conditions or restrictions that "amount to punishment." *Id.*, 441 U.S. at 537

Supporting Facts: Violating the Fourteenth Amendment's Due Process Clause, I am being punish as a pretrial detainee awaiting to go to trail.



12. N/A

13. State exactly what you want this court to do: Please order  
Gwinnett County Detention Facility, which is ran by  
BUTCH CONWAY, SHERIFF hereby  
Allow every inmate access to order all news related media,  
newspapers, magazines, and books. From Publisher  
Allow us to watch the world news, including things out  
of the State of Georgia, And the President.

Thank You for stopping the punishment.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 1-10-15

Alun Garber  
Signature of Petitioner